

Remarks

Claims 1 – 13 are pending in this application. Claims 1 – 13 have been rejected in the current Office Action.

The Examiner indicated that drawings are required for the present application. Accordingly, Applicants are submitting herewith a drawing showing the relation between the heat-generating member, the film and the cold sink. The specification has been amended to include a brief description of the drawing. The specification has also been amended to identify the elements of the drawing. No new matter has been added via the drawing or the amendments to the specification. In view of the submission of the drawing, it is respectfully requested that the Examiner withdraw the objection to the lack of a drawing.

Claims 12 and 13 were rejected under 35 U.S.C. 112, second paragraph. Claims 12 and 13 have been cancelled. It is thus respectfully requested that the Examiner withdraw the rejections under 35 U.S.C. 112, second paragraph.

Claims 1, 2, 7 and 9 – 11 were rejected as anticipated under 35 U.S.C. 102(b) by U.S. Patent No. 5,712,039, issued to Marhevka. Marhevka discloses curable structural epoxy adhesives comprising epoxy resin, a curing agent and a dithiooxamide adhesion promoter. Nitrile rubber and carboxyl-terminated butadiene nitrile are optionally utilized in the adhesive of Marhevka as toughening agents. In contrast to the present invention, the adhesive of Marhevka is a cured composition which is cross-linked. The carboxyl-terminated butadiene and carboxyl-terminated butadiene nitrile of the present invention are utilized as the resin matrix and film former. Claim 1 has been amended so that the “carboxyl-terminated butadiene, carboxyl-terminated butadiene nitrile and mixtures thereof” are uncured. Support for this amendment is found on page 3, lines 16 – 19. As anticipation under 35 U.S.C. 102(b) requires identity of invention, it is respectfully submitted that in view of the differences between Marhevka and the present invention that claims 1, 2, 7 and 9 – 11 are patentable under 35 U.S.C. 102(b) over Marhevka.

Claims 3 – 6 and 8 were rejected as unpatentable under 35 U.S.C. 103(a) over Marhevka. The distinctions set forth above regarding Marhevka are equally applicable to the present rejection. There is no teaching, suggestion or disclosure regarding the adhesive of Marhevka that would lead one skilled in the art to the claimed amounts of carboxyl-terminated butadiene or carboxyl-terminated butadiene nitrile of the thermally conductive material of the present invention. Further, one skilled in the art would not look to the adhesive having a cured rubber component in order to develop a thermally conductive material having an uncured rubber component. Accordingly, it is respectfully submitted that claims 3 – 6 and 8 are patentable under 35 U.S.C. 103(a) over Marhevka.

Claim 13 was rejected as unpatentable under 35 U.S.C. 103(a) over U.S. Patent No. 6,627,997, issued to Eguchi in view of Marhevka. Claim 13 has been cancelled.

In view of the foregoing, it is respectfully submitted that the present application is in condition for allowance. If there are any issues that the Examiner wishes to discuss, he is invited to contact the undersigned attorney at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Charles W. Almer", written in a cursive style.

Charles W. Almer

Reg. No. 36,731

Tel. No. 908 707-3738

National Starch and Chemical Company
10 Funderne Avenue
Bridgewater, NJ 08807
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Amendments to the Drawings

Please add Figure 1 filed herewith.